

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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OSCAR RAMIREZ, JAVIER GUERRERO,
GERONIMO HERCULANO, PABLO RUTILIO,
MAGGIE ANDRES CRECENCIO, GUILLERMO ALVAREZ,
JUANA CRUZ HERNANDEZ, LEONIDAS MATEO,
ANYELI OVALLES HERNANDEZ, MIRNA REYES
MARTINEZ, RAMON ROSARIO, OMAR TAVERAS,
LUIS ESPINAL, and JUAN SALMERON on behalf of
themselves and others similarly situated,

No.: 14 -cv- 4030

Hon. Valerie E. Caproni

**AFFIDAVIT OF JUAN SALMERON
IN SUPPORT OF PLAINTIFFS'
REQUEST FOR CONDITIONAL
CLASS CERTIFICATION**

Plaintiffs,

v.

M L RESTAURANT, CORP., M.L. SAN JOSE ENTERPRISES, CORP.,
d/b/a LIBERATO RESTAURANT, ANTONIO MANUEL LIBERATO,
FERNANDO LIBERATO, VICTOR LIBERATO, NELSON GOMEZ,
LUCY GOMEZ, SARAH VALLEJO, NANA (LNU), and ROMEO (LNU)
jointly and severally,

Defendants

-----X
State of New York)
) ss.:
County of New York)

JUAN SALMERON, residing at 34-56 Knox Place, Bronx, New York, being duly sworn,
deposes and says:

1. From on or about May 2006 to on or about August 2010 I was employed by
Liberato Restaurant as a dishwasher, and rice cook.
2. Liberato Restaurant is an establishment with locations at 1 West 183rd St. and 10
West Burnside Avenue, County of the Bronx, State of New York.

3. I worked at the Burnside location. Close to fifty (50) employees worked at this location, of which approximately eight (8) were fryers, cooks, and dishwashers. Many workers came in and out of the kitchen.

4. I regularly worked at least ten (10) hours a day, six (6) days per week, and was paid in cash at the end of each week. When other employees were on vacation, I worked seven (7) days a week.

5. From on or about May 1, 2008 to on or about March 31, 2009, I was paid \$360 for sixty (60) hours worked.

6. From on or about April 1, 2009 to on or about August 30, 2010, I was paid at \$400 for sixty (60) hours worked.

7. Throughout my time at Liberato, I worked without breaks. I believe this is true of all the kitchen staff.

8. I never received overtime for hours worked in excess of forty (40) per week, nor did my coworkers as far as I know.

9. From the time I began to work at Liberato I never received a statement of wages. I believe this is true of all my coworkers.

10. In 2010 I was required to sign in a book held by the manager to receive pay. The book stated only my name, days worked and pay received, but not the hours worked.

11. I have no reason to believe that my coworkers were treated differently than I was.

WHEREFORE, it is respectfully urged that the request for conditional certification of a representative class be granted.

Sworn to before me this



JUAN SALMERON

26th day of September 2014.



Notary Public

REBECCA T. ISHAK
Notary Public, State of New York
No. 0TIS628601
Qualified in Queens County
Commission Expires July 2017